



SUMTER CITY - COUNTY PLANNING COMMISSION

Minutes of the Meeting

February 22, 2012

ATTENDANCE

A regular meeting of the Sumter City – County Planning Commission was held on Wednesday, February 22, 2012, in the Fourth Floor Council Chambers of the Sumter Opera House. Six board members: Mr. Jay Davis; Mr. David Merchant; Mr. James Davis; Mr. Burke Watson; Mr. Charles Segars; Rev. Ellie Palmer – and the secretary were present. Ms. Sandra McBride; Ms. Constance Lane and Mr. David Durham were absent. The meeting was called to order at 3:00 p.m. by Mr. Jay Davis.

MINUTES

Mr. David Merchant made a motion to approve the minutes of the January 25, 2012 meeting as read. The motion was seconded by Rev. Ellie Palmer and carried a unanimous vote.

NEW BUSINESS

1. Temporary Moratorium on Internet Sweepstakes Promotions and Simulated Gambling Devices - Mr. George McGregor stated the board had received a memorandum and draft moratorium ordinance and was briefed on it at the February 9, 2012 Ordinance Subcommittee work session on this issue. He stated that after bringing this moratorium to both City and County Councils, staff found it appropriate to come back to the Planning Commission for a recommendation to both Councils. The reason staff wanted to get the issue in front of Council is because the Planning Department has a number of applications that are progressing toward either business license review or Board of Zoning Appeal review. City and County Councils gave first reading to a temporary moratorium – the County has decided at first reading on a 45-day moratorium and the City recommended a 180-day moratorium. This has to be adopted as an ordinance and not a resolution and affects the zoning ordinance. It is appropriate for this board to make a recommendation on the issue. Mr. McGregor further stated that this is effectively a land use issue and the point of the moratorium is to give the Planning Commission and the Planning Department Staff time to review the issue and come up with a treatment or approach of how it should fit in the City and County. By way of background, staff wrote the memorandum and both City and County Council have been briefed on what we call the “rise of internet cafes”. These are uses that call themselves by different names and describe themselves all a little bit differently. They use names like “Sweepstakes Parlors,” “Internet Sales,” “Sweepstakes Promotions,” or “Adult Arcades”. These are places where people go to effectively try to win sweepstake prizes. What they do is use casino-like games to

reveal prizes. This is a discussion that is going on at state law enforcement levels. It is not the Planning Department's or Zoning Administrator's job to determine the legality of the use but rather to determine what the land use effects are – does it need parking spaces; does it need separation from businesses; does it need additional conditions that we use the zoning ordinance to install.

The use is described as a place where customers buy internet time to play casino-type games for entertainment in the hopes of winning sweepstakes – whether through the game or whether just a quick-reveal to figure out if they have won cash or prizes. It is defined as a “Special Exception” in the General Commercial zoning district as well as all of the other commercial zoning districts. The reason we are requesting the moratorium is that we feel it requires a more descriptive definition in the zoning ordinance. We don't have anything that describes this for what it is so we need to add a definition and decide what the land use impacts are. Many of the applicants are suggesting that the product they are selling is internet time which is a legitimate product. Staff has talked to other folks who run these businesses and they have indicated that there are not a lot of folks coming to use the internet – they are coming to use the games to see if they can win sweepstakes. By that definition, we need to put a land use on it.

Staff is recommending that this board make a recommendation to City and County Council to enact a moratorium to allow the Planning Staff to do the work in the zoning ordinance to figure out how to deal with the use and impacts of the use.

Mr. Jimmy Davis asked if the actual playing of the game has any bearing on what you win.

Mr. McGregor stated it was his understanding from users that the playing of the game does not have any bearing on odds or chance of winning. It is pre-determined.

Mr. McGregor stated the odds are published at each location, and it was his understanding that maximum winnings per day could be up to \$13,000.

Mr. Segars asked if there was somebody there to monitor for safety issues.

Mr. McGregor stated there was a clerk there as money was not being put in the machines – pay the clerk at the counter for internet time and that gives you a certain number of sweepstakes. There are law enforcement issues and are safety issues as they will be handling cash and hope to be open longer than regular retail hours.

Mr. Jay Davis stated all the board had to do was decide whether this is a right fit.

	<p>Mr. McGregor stated it is our job is to figure out where these uses ought to go in the community, what zoning districts they should be in and whether there are any additional criteria that should be applied to protect the community from its impact.</p> <p>After more discussion, Mr. Jimmy Davis made a motion to recommend City and County Councils adopt a 45-day moratorium. The motion died as there was no second. Mr. Burke Watson made a motion to recommend a 180-day moratorium for the City and a 45-day moratorium for the County. The motion was seconded by Mr. Jimmy Davis and carried a unanimous vote.</p> <p>2. Year End Report - Ms. Helen Roodman gave the board an overview of the 2011 Year End Report.</p>
OTHER BUSINESS	<p>Ms. Helen Roodman gave a brief description of the following in-house approvals:</p> <ul style="list-style-type: none"> • MSP-12-03, Hunter's Crossing Pavilion (City) • MSP-11-39 & HCPD-11-52, 2440 Broad St. (City)
DIRECTOR'S REPORT	<p>Mr. McGregor stated the draft of the Landscape Ordinance has been sent to a host of stakeholders in the community so they can read through it and give staff feedback. These stakeholders have been invited to a meeting the Planning Department will host in March to talk about the ordinance and get their feedback as a way to work through the issues.</p>
ADJOURNMENT	<p>With no further business, Rev. Ellie Palmer made a motion to adjourn the meeting at approximately 3:40 p.m. The motion was seconded by Mr. David Merchant.</p> <p>The next regularly scheduled meeting is March 28, 2012.</p>
	<p>Respectfully submitted,</p> <p><i>Wanda F. Scott</i></p> <p>Wanda F. Scott, Planning Secretary</p>